

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 2, 1873. }

Hon. E. B. Pickett, President of the Senate of the State of Texas :

SIR: I herewith return to the Senate, where it originated, the act entitled "An act to provide for the payment of sheriffs for guards employed in carrying prisoners to the penitentiary of the State."

This bill substantially is the same as one that I objected to on the twenty-third day of May ultimo, by message returning it to the Senate.

I respectfully suggest that it seems of doubtful constitutionality to pass a bill the same in substance as one already returned with my objections. But, whatever might be the true construction to give the Constitution in that respect, this bill must be returned, because, in the main, it presents objections similar to that one already passed. It will be remembered that my objection to that bill was that some sheriffs, for their own gain, disregarded instructions as to the number of guards and the manner of conveying prisoners to the penitentiary, which were intended for the protection of the State treasury. In defiance of those instructions they took, or pretended to take, more guards than the instructions called for or were really necessary. If this act passes it will encourage them and others to attempt that sort of speculation, and will open the door to an annual increased expenditure about the penitentiary of twenty thousand dollars and upwards.

If the Legislature does not conclude that those instructions should be sustained, at any rate an act ought to be passed clearly defining the number of guards to be allowed sheriffs, and the manner of verifying the truth of their claims for that kind of service, so as to put the matter in a shape to prevent fraud in the future.

Very respectfully,

EDMUND J. DAVIS, Governor.